

EXHIBIT 1



Entered on Docket
January 04, 2008

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:) Case No. BK-S-06-10725-LBR
USA COMMERCIAL MORTGAGE) Case No. BK-S-06-10726-LBR
COMPANY,) Case No. BK-S-06-10727-LBR
USA CAPITAL REALTY ADVISORS,) Case No. BK-S-06-10728-LBR
LLC,) Case No. BK-S-06-10729-LBR
USA CAPITAL DIVERSIFIED TRUST) CHAPTER 11
DEED FUND, LLC,) Jointly Administered Under Case No. BK-S-06-
USA CAPITAL FIRST TRUST DEED) 10725 LBR
FUND, LLC,) Date: December 20, 2007
USA SECURITIES, LLC,) Time: 9:30 a.m.
Debtors.)
Affecting:
 All Cases
or Only:
 USA Commercial Mortgage Company
 USA Capital Realty Advisors, LLC
 USA Capital Diversified Trust Deed Fund,
LLC
 USA Capital First Trust Deed Fund, LLC
 USA Securities, LLC

**ORDER SUSTAINING EIGHTH OMNIBUS OBJECTION
OF THE USACM LIQUIDATING TRUST TO CLAIMS FOR LACK OF
DOCUMENTATION EXCEPT AS TO PROOF OF CLAIM NO. 10725-01561
FILED BY BLOCK H&W/WR OF S, JEROME L & CHARMA N., PROOF OF
CLAIM 10725-01564 FILED BY DAVID M. & SALLY W. OLDS AS JT, PROOF
OF CLAIM NO. 10725-01566 FILED BY SHARON JUNO, PROOF OF CLAIM
NO. 10725-01567 MATTHEW MOLITCH IRA, PROOF OF CLAIM NO. 10725-
01570 MARILYN & MATTHEW MOLITCH AND PROOF OF CLAIM NO. 10725-
01579 FILED BY JAMES CIELEN**

The USACM Liquidating Trust (the “USACM Trust”) filed its Eighth Omnibus Objection to Claims for Lack of Documentation [DE 5371] (the “Objection”) on November 19, 2007. Appropriate notice of the Objection was given. Responses to the Objection were raised as follows:

- On December 4, 2007, Block H&W/WR of S, Jerome L & Charma N. (“Block”) provided documentation to support Proof of Claim No. 10725-01561. Accordingly, the USACM Trust withdrew the Objection as to that claim on December 19, 2007 [DE 5514]. Block’s claim is not included in Exhibit A attached and is not affected by this Order.

- On December 4, 2007, David M. & Sally W. Olds H&W as JT (“Olds”) provided documentation to support Proof of Claim No. 10725-01564. Accordingly, the USACM Trust withdrew the Objection as to that claim on December 19, 2007 [DE 5515]. Olds’ claim is not included in Exhibit A attached and is not affected by this Order.

- On December 4, 2007, Sharon Juno (“Juno”) provided documentation to support Proof of Claim No. 10725-01566. Accordingly, the USACM Trust withdrew the Objection as to that claim on December 19, 2007 [DE 5516]. Juno’s claim is not included in Exhibit A attached and is not affected by this Order.

- On December 4, 2007, Matthew Molitch IRA and Marilyn & Matthew Molitch (“Molitch”) provided documentation to support Proof of Claim No. 10725-01567. Accordingly, the USACM Trust withdrew the Objection on December 19, 2007 [DE 5518]. Molitch’s claim is not included in Exhibit A attached and is not affected by this Order.

1 • On December 4, 2007, James Cielen ("Cielen") provided documentation to
2 support Proof of Claim No. 10725-01579. Accordingly, the USACM Trust withdrew the
3 Objection on December 19, 2007 [DE 5517]. Cielen's claim is not included in Exhibit A
4 attached and is not affected by this Order.

5 No other responses were received by USACM Trust counsel or filed with this
6 Court. The Objection came before the Court for hearing on December 20, 2007 at 9:30
7 a.m. Good cause appearing, it is

8 **ORDERED:**

9 • Sustaining the USACM Trust's Eighth Omnibus Objection to Claims for
10 Lack of Documentation except to the extent the USACM Trust has withdrawn that
11 objection; and

12 • Disallowing the Proofs of Claim listed on the attached Exhibit A without
13 prejudice to any rights the claimants listed in Exhibit A may have as Direct Lenders in a
14 particular loan.

15 ###

16 PREPARED AND SUBMITTED:

17 **LEWIS AND ROCA LLP**

18 By: /s/ RC (#0006593)
19 Susan M. Freeman
20 Rob Charles
21 Attorneys for USACM Liquidating Trust

22 APPROVED:

23 **OFFICE OF THE U.S. TRUSTEE**

24 
25 August B. Landis, Esq.
26 Scott A. Farrow, Esq.
27 300 Las Vegas Boulevard, Suite 4300
28 Las Vegas, NV 89101

1 In accordance with Local Rule 9021, the undersigned certifies:

- 2 The Court waived the requirements of LR 9021.
- 3 I have delivered a copy of this proposed order to all attorneys and unrepresented
4 parties who have appeared at the hearing regarding this matter and/or who filed
 a written objection and each has:
5 approved the form of this order;
6 waived the right to review the order;
7 failed to file and serve papers in accordance with LR 9021(c); and/or
8 failed to sign and return this proposed order within five (5) business days
 in accordance with LR 9021(b).
9 I have delivered a copy of this proposed order to all attorneys and unrepresented
10 parties who appeared at the hearing regarding this matter and/or who filed a
 written objection and all have either approved the form of this order, waived the
 right to review the order, failed to file and serve papers in accordance with LR
 9021(c) and the following have disapproved the form of the order.
11 No opposition was filed and no other party or counsel appeared at the hearing.

12 **LEWIS AND ROCA LLP**

13 By: /s/ RC (#0006593)

14 Susan M. Freeman

15 Rob Charles

16 *Attorneys for USACM Liquidating Trust*

**ORDER SUSTAINING EIGHTH OMNIBUS
OBJECTION OF USACM LIQUIDATING TRUST TO
PROOFS OF CLAIM FOR LACK OF
DOCUMENTATION
BK-S-06-10725-LBR**

<u>Creditor Name</u>	<u>Claim No.</u>	<u>Date Filed.</u>	<u>Amount</u>
Kathy John & Tina Eden JT WROS 57 Poinsetta Drive Ormond Beach, Florida 32176-3518	10725-01559	12/6/06	\$25,000.00
Kathy John & Tina Eden JT WROS 57 Poinsetta Drive Ormond Beach, Florida 32176-3518	10725-01560	12/6/06	\$50,000.00
Williams, Richard J. Trust c/o Richard J. Williams, Trustee 1282 Conestoga Drive Minden, Nevada 89423	10725-01565	12/7/06	\$12,500.00
Olson, Dean 6760 Chesterfield Lane Reno, Nevada 89523	10725-01578	12/1/06	\$100,000.00

EXHIBIT A